

Fiscal Note

Fiscal Services Division



SF 2297 – Contagious or Infectious Disease Transmission (LSB 5088SV)
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Fiscal Note Version – As amended by **H-8118**

Description

The Committee amendment **H-8118** to **SF 2297** strikes everything after the enacting clause. This amendment provides definitions related to contagious or infectious diseases, including hepatitis, meningitis, Acquired Immune Deficiency Syndrome (AIDS), or Human Immunodeficiency Virus (HIV). This amendment provides a graduated system of penalties, ranging from a Class D to a Class B felony, for the criminal transmission of a contagious or infectious disease. Convicted offenders are required to be placed on the Sex Offender Registry (SOR) and remain in compliance with the provisions of the SOR. This amendment repeals Iowa Code chapter **709C** (Criminal Transmission of HIV Act).

Background

Correctional and Fiscal Information

- According to the Justice Data Warehouse, there were six offenders convicted under Iowa Code chapter 709C from FY 2008 through FY 2013. All convictions under this Iowa Code chapter are Class B felonies.
- The average cost per case for the Judicial Branch is \$427 for a Class D, C, or B felony.
- The cost for an indigent defense case is \$1,200 for a Class D felony, \$1,800 for a Class C felony, and \$3,600 for a Class B felony.
- Offenders may be sentenced to probation supervision in Community-Based Corrections (CBC) or State prison. Offenders sentenced to probation may be placed in a residential facility before being supervised by field services.
- According to the Criminal and Juvenile Justice Planning Division (CJJPD) and the Department of Corrections (DOC), the following are estimates for sentencing, length of stay, and costs for offenders convicted under this amendment.

Criminal Justice System Information

Conviction Offense Class	Percent Sentenced to Probation	Avg Length of Stay on Probation (Months)	Average Cost per Day for Prob/Parole	Percent Sentenced to CBC Residential Facility	Average Length of Stay in a CBC Residential Facility (Months)	Marginal Cost per Day for CBC Res. Facility*	Percent Sentenced to Prison	Avg Length of Stay in State Prison (Months)	Marginal Cost Per Day for State Prison	Avg Length of Stay on Parole (Months)	Average Cost per Day for Prob/Parole
Class D Felony	44.0%	31.0	\$3.35	5.5%	5.9	\$10.73	53.5%	16.9	\$18.25	12.8	\$3.35
Class C Felony	26.5%	35.2	\$3.35	4.1%	5.9	\$10.73	72.1%	38.0	\$18.25	19.6	\$3.35
Class B Felony	0.0%	0	\$0.00	0.0%	0	\$0.00	100.0%	124.1	\$18.25	47.6	\$3.35

* Approximately 95.0% of the marginal cost per day for a CBC residential facility is funded by local income.

Minority Data Information

- Of the six offenders convicted under current law, five were Caucasian and one was Black.
- The rate of Hepatitis B is lowest for Asians/Pacific Islanders and Hispanics, and highest for Blacks.

Assumptions

Correctional and Fiscal Information

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Plea bargaining and other criminal justice system policies and practices will not change over the projection period.
- This law takes effect upon enactment. A lag effect of six months is assumed from the effective date of first entry of affected offenders into the correctional system.
- These will be bench trials. Trials by jury are rare. Refer to the **Fiscal Topic, [Jury Trials](#)**, published by the Legislative Services Agency (LSA) in August 2013 for additional information regarding the use of juries.
- Approximately 50.0% of the defendants will be indigent.
- The number of convictions under this amendment may increase in comparison to current law, given the prevalence of hepatitis. According to the Department of Public Health, it is the most common blood borne infection in the U.S.
- Data from the Iowa Department of Public Health report, [Viral Hepatitis Plan 2004](#), and the [website](#) of the C. Everett Koop Institute, Dartmouth Medical School, were used to estimate the number of offenders that would be impacted by this amendment's sentencing provisions.

Minority Data Information: The impact on minorities will remain consistent with current data.

Summary of Impacts

Correctional Impact

On an annual basis, there will be an estimated 14 Class D felons and one Class C felon convicted under this amendment. Half of the offenders convicted of the Class D felony will be sentenced to State prison while half will receive probation. One offender will be sentenced to probation with a condition of completing a CBC residential facility stay before being placed on probation. One offender annually will be sentenced to State prison as a Class C felon.

State prison admissions are expected to be four offenders in FY 2015 and eight offenders annually thereafter. The prison population is expected to increase by four offenders in FY 2015, 12 offenders in FY 2016, and 13 offenders annually thereafter. The population increases faster than the number of admissions because the average length of stay in State prison exceeds one year.

There will be one admission to a CBC residential facility annually. There will be six offenders annually sentenced to probation supervision. The correctional impact on the CBC population is expected to be minimal.

Minority Impact

This amendment is expected to have a disproportionate impact on Black offenders because they are more likely to have Hepatitis.

Fiscal Impact

The fiscal impact of [H-8118](#) to SF 2297 is estimated to be an increased cost to the State General Fund of \$24,100 in FY 2015 and \$109,600 in FY 2016. The table below shows the fiscal impact by areas of the criminal justice system.

Fiscal Impact on the State General Fund

	FY 2015	FY 2016
CBC - Probation	\$ 2,500	\$ 13,000
State Prison	13,300	80,000
Judicial Branch	3,200	6,400
Indigent Defense	5,100	10,200
Total	<u>\$ 24,100</u>	<u>\$ 109,600</u>

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Department of Public Health
Office of the State Public Defender
Office of the State Court Administrator
C. Everett Koop Institute

/s/ Holly M. Lyons

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
